

March 20, 2018

ERIE COUNTY COUNCIL – Regular Meeting

Chairman Foust called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Erie County Council Chambers, 140 West 6th Street, Room 117, Erie, PA. Following the Pledge of Allegiance, Mrs. Loll read the following prayer:

“Let us pray. As we gather today, let us remember our responsibilities and may we not be distracted by the world around us. We desire to be attentive to our work and listen; we don’t want to be divided. God, may our priorities become clear; our vision be focused. Give us the strength and courage to live with open eyes and ready minds. We ask this in the name of our savior Jesus Christ. Amen.”.

Roll Call

Following the Pledge of Allegiance, the County Clerk called the roll:

- Members Present: Mr. Anderson
 Mr. Horton
 Mr. Leone
 Mrs. Loll
 Mr. Rastetter
 Dr. Foust
- Members Absent: Mrs. Fatica
- Also Present: Douglas R. Smith, County Clerk
 Sue Ellen Pasquale, Manager of Accounting
 James Sparber, Director of Finance
 Thomas Talarico, Solicitor

Dr. Foust welcomed audience members from Gannon University and thanked them for attending.

Hearing of The Public

None.

Approval of Minutes

Mr. Leone moved to approve the minutes the March 6, 2018, Regular Meeting. This was seconded by Mrs. Loll and carried in a unanimous roll call vote.

**Reports of
County Officials**

Mrs. Loll stated that the Finance Committee met on March 15, 2018, and agreed to place Ordinances 22 through 26, Resolutions 21 through 24, 2018, four board appointments, and a sale of parcel under New Business on the agenda.

There was no report from the Personnel Committee.

Mr. Horton commented that it has been 147 days since the USA Today Wall Street Journal article declaring Erie, PA as worst place in America for Black people to live. The deafening silence is shameful. He is embarrassed because he hasn’t put forth any legislation that would turn that declaration around. He is embarrassed because Human Services is the County’s first mission and nothing has been put forward collectively. He is embarrassed that the County Executive, City Council, Mayor, local representatives and State delegation has not done anything to bring anything forward to make changes. Mr. Horton referenced the newspaper article regarding putting police in the Erie School. He is on the Board for PAL and they are already in the building. The Erie School District has their own police force and they are in the building. He questioned why city of Erie police need to be in the school. They are not in any other school. Mr. Horton felt that this starts to paint a narrative. Mr. Horton met with the Chamber to see if voluntary reporting could be done regarding the workforce. He thinks that a startling contrast would emerge. Of the 1600 employees

in the County, the abysmal number of people of color in employment or in management at the County is a concern, along with the City's lack of employment of people of color. It's been talked about the School District where 65% of the students are people of color and less than 2% of the employees are people of color. The silence is deafening yet there is now another extension of law enforcement. He stated that every candidate for every office whether congressional, state, local level, someone needs to say something. Mr. Horton discussed that the 16501 zip code has also been named the poorest zip code in the state. He did not want to leave out the community of faith, the nonprofit sector or the boards and authorities. They haven't done anything. He does not wish to demonize anyone nor does he wish to be demonized. He stressed that if he doesn't say these things, who will say them. With Erie Refocused and everyone coming together speaking with one voice and with one vision, he is hoping that the poor people or people of color are not left behind.

Mr. Anderson reported on several activities he has been involved in. He thanked Councilman Horton on working with him following an Election Board meeting and all other members of Council who attended that meeting. He has talked at length with members of Council and they are aware and understand the issues with the voting system moving forward. He thanked Clerk Doug Smith for the knowledge that he has and his staff for their professionalism they have when it comes to ensuring that the elections are safe. He is not giving this report or suggesting that anyone in the community should lack confidence in the election process or the equipment. Moving forward the equipment has a certain life span and is coming to end of useful life. Mr. Anderson wants to make sure Council and the Administration are proactive and that the community knows that moving forward the community will have to undertake planning and being proactive and at some point take on a very expensive proposition to replace voting machines. This has been brought forward by Governor Wolf's recent mandate for a paper trail on new voting machines. Mr. Anderson attended the CCAP conference and the number one issue discussed was the voting machine issue and how to move forward. He explained that the County is mandated by Election Code to follow the State. The State has only verified one voting system and that is the only system under a new mandate that could be used. The only funds are leftover HAVA funds from Congress. There is a bill in congress being moved through to help offset additional costs. It is anticipated that there is roughly \$365 million in reserve under the HAVA Act. PA's share would be \$17 million. Erie County's share would be below \$1 million, and the potential cost for new voting machines would be around \$12 to \$15 million. The potential for new funding is still in Congress and it may include an additional \$3 million to the County. It would leave the County with a potential shortfall of \$10 million. Other issues discussed included the State pushing unfunded mandates to the County. Council needs to make sure that Erie County will get its fair share of any dollars available and will search for those fair share dollars. He hopes to put a resolution to the state, governor and CCAP asking them to ensure that every avenue is explored to find money to assist counties with these unfunded mandates. Mr. Anderson suggested a Task Force be put together to begin to work on this issue. He sees this as a three to five year window before the voting machines have to be replaced. Mr. Anderson wanted to assure the public that this is not being done because there is any lack of confidence or breach in voting machines but that they are coming to the end of their useful life. He is now a member of the delegation from Erie County, and he stated that two of the names most spoken at CCAP were Joe Giles and Fiore Leone, both members have made a significant impact with CCAP on behalf of Erie County residents. Mr. Anderson reported that a longstanding issue that Mr. Leone has been working on - the no fault absentee ballot (CCAP no excuse absentee ballot) is being moved to State legislature for potential adoption. He congratulated Councilman Leone on his work on this issue. Mr. Anderson will be serving on Election Committee at CCAP and reported that as a historian, a history of CCAP has been put together as their 133rd year, and Erie County has had eight statewide presidents of CCAP during that time.

OLD BUSINESS

None.

Dr. Foust explained to the audience that all ordinances generally require two readings unless they are voted to move ahead because of an issue of timeliness to take advantage of funding. Resolutions and board appointments need one reading.

Mr. Leone moved to amend agenda and move Ordinance 22 to a second reading. Mr. Horton seconded the motion and it carried in a unanimous roll call vote.

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NEW BUSINESS

**Ord. 22, 2018 –
GF Waiver of Purch.
Code for Renewal
Of West Library
Maint. Agmt.**

Mr. Smith gave a second reading of Ordinance Number 22, 2018, “2018 General Fund Budget Waiver Of County Purchasing Code For Renewal Of Three Year West Library Maintenance Agreement For County Law Library And Court Library”. This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 23, 2018 –
PH Revised Rev.
& Exp. From Reduc.
In Act 12 Funding**

Mr. Smith gave a first reading of Ordinance Number 23, 2018, “Third 2018 Public Health Fund Budget Revised Revenue & Expenditures of \$143,026; Supplemental Appropriation of \$98,930 from a Reduction in Act 12 Funding”.

**Ord. 24, 2018 – GF
SA for Reduction
In Act 12 Funding**

Mr. Smith gave a first reading of Ordinance Number 24, 2018, “Twelfth 2018 General Fund Budget Supplemental Appropriation Of \$72,788 For Reduction In Act 12 Funding”.

**Ord. 25, 2018 – PH
SA in Add'l Tobacco
Grant Revenue**

Mr. Smith gave a first reading of Ordinance Number 25, 2018, “Fourth 2018 Public Health Fund Budget Supplemental Appropriation Of \$128,272 In Additional Tobacco Grant Revenue”.

**Ord. 26, 2018 – Revised
Env. Fee Schedule**

Mr. Smith gave a first reading of Ordinance Number 26, 2018, ““2018 Revised Environmental Fee Schedule In The Erie County Department Of Health”.

Mr. Leone commented that the last four ordinances are necessary for the health and welfare of the citizens of Erie County. He stated that this however is a State mandated issue. By voting for this, it takes away the responsibility of the legislators in Erie County and throughout the State, and it says that they do not have to send the money to the County. Mr. Leone commented that unfunded mandates have been an issue for years and it’s extremely unfortunate. There are many areas in the County that unfunded mandates are occurring. Mr. Leone feels that passing these ordinances is taking the legislators off the hook by covering the funding that the State should be handling.

**Res. 21, 2018 – Appr.
Appt. of Deputy Tax
Coll. In Waterford
Twp.**

Mr. Smith gave a reading of Resolution Number 21, 2018, “Approving the Appointment Of Deputy Tax Collector In Waterford Township”. This was moved by Mrs. Loll, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**Res. 22, 2018 – Exon.
Taxes, etc. on 4 Prop.
In Union City Borough**

Mr. Smith gave a reading of Resolution Number 22, 2018, “Exonerating All Outstanding Taxes, Penalties, Interest And Fees On Four Properties Owned By The Municipal Authority Of The Borough Of Union City”. This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

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**Res. 23, 2018 – In
Support of Erie County
Est. a Day Reporting
Ctr.**

Mr. Smith gave a reading of Resolution Number 23, 2018, “In Support of Erie County Government Establishing a Day Reporting Center in Erie County”. This was moved by Mr. Leone and seconded by Mr. Anderson.

Mrs. Loll read the following statement:

“In regards to the resolution supporting the Day Reporting Center, I would like to say a little bit about the help it will be for the offenders and the taxpayers of Erie County. I have always been supportive of the idea that we have a Day Reporting Center. There have been several meetings discussing a Day Reporting Center. At one of these meetings there was a question asked that says it all. The question was, “What are the possible problems with a Day Reporting Center?”. And the answer was, “There are none.”.

First, the best description of a Day Reporting Center is that it is a one stop shop. There will be access to treatment and services, reintegration and reentry to society, and rehabilitation. The offender will be able to go to one location to get all the services needed, instead of going to several locations, to get that person back into society and to be a productive member of society. It will be a benefit to the offender because there will be no more cost to them and most probably a savings. It will be a positive impact on the lives of the offenders with a proactive schedule and regiment. Instead of wearing an ankle monitor, they could attend the Day Reporting Center. The ankle monitor does not educate or rehabilitate, where at the Center they will receive employment assistance, GED preparation, and adult education. The person’s attitude and emotional feelings also will be taken into consideration. There also will be available anger management, batterers’ intervention, cooperative behavioral therapy, drug and alcohol testing and services, mental health and behavioral health services, along with community service opportunities.

This will give the people in prison the opportunity to get early parole by agreeing to attend the scheduled sessions. Also, the judges will have the sentencing option in lieu of incarceration as a court ordered special condition.

The benefit to the taxpayers of Erie County will be a reduction of costs of service, a very conservative number is \$217,175 of savings per year in the county budget with cut no services. The rehabilitated offenders will not be returning to prison, which at this time other counties have reported as much as 73%, as reported by Franklin County from 2006. These people have become a part of society and do not return to prison. The service will be offered to all qualified offenders.”.

Mr. Horton thanked Mrs. Loll on her hard work and diligence in getting the resolution to this point. When he first came on Council he had an opportunity with Mrs. Loll and the County Executive to visit a Day Reporting Center. It was the first time he had heard anything about it, and it sounded good but on closer review, it comes back to return on investment. He understands that it costs \$40,000 per year to incarcerate each prisoner. He understands that those services are already offered to every citizen through the County right now. He understands that the Court often mandates non-violent offenders to anger management already, along with mental health or drug and alcohol services, whether it is in the form of ARD or someone caught up in the world of addition in wake of the opioid crisis. Those services are already offered through the County. His question is if the client is going to be assessed a fee for services at the Day Reporting Center. The answer was no the client won’t pay anything. He wanted to know who will pay for it. Mr. Horton did some research and found out that Mercyhurst Civic Institute did a study about 25 years ago on prison overcrowding. There are fees that the client does get charged for such as electronic monitoring, urinalysis, and just about every service they receive there. He again asked if the client doesn’t pay for it, then who does pay for it. He then looked at the prison and the fees and what happens with a prisoner after they are sentenced and have done their time. In his first term, Council passed an ordinance that requires an inmate to pay 75% of their commissary charges.

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They are assessed fees for everything that goes on in the prison. This results in fines that puts the prisoner on probation upon release from prison until fines are paid. There is a fee that is paid of \$30 a month to be on probation. Probation Officers have more power than police in that wherever your home is, the probation officer can come in and don't need probable cause. He commented that people are still getting locked up for marijuana yet people can sell marijuana legally now. He feels that the remedy is not another system to monitor offenders. The remedy is to not lock them up and stop over-arresting people. The demographic is poor people and people of color. You see the grandfather not working, the father not working, the son not working, the mother is not working. 16501 is the poorest zip code in the Commonwealth and something is wrong with that. Law enforcement won't fix the problem. The Day Reporting Center won't fix the problem, and who pays for it – it doesn't pay for itself. He likens it to the 911 center that it will be a big money pit and at some point it will hit the General Fund or gaming revenue.

Mr. Anderson thanked Mrs. Fatica and Mrs. Loll for their effort on this project. They should be commended for their work moving forward in helping change the lives of the people in the community and applauds them for their effort.

Resolution Number 23, 2018 then carried in a 5-1 vote, with Mr. Horton voting no.

**Res. 24, 2018 – Appt.
Of Auditors for
HealthChoices Pgm.**

Mr. Smith gave a reading of Resolution Number 24, 2018, “Appointment of Auditors to Perform An Audit of the Erie County HealthChoices Program for the Fiscal Year of July 1, 2017 to June 30, 2018”. This was moved by Mr. Leone, seconded by Mrs. Loll and carried in a unanimous roll call vote.

**BOARD/AUTHORITY
APPOINTMENTS**

Mr. Leone made a motion to approve the following appointments in one vote. This was seconded by Mr. Anderson and carried in a unanimous roll call vote.

- Appointment of Dr. Mary Jo Campbell to the Human Relations Commission Advisory Board
- Reappointment of Dale Robinson to the Erie County Housing Authority
- Appointment of Felix Lohitai to the Erie County Library Board
- Appointment of Camille Crenshaw to the Human Relations Commission Advisory Board

SALE OF PARCELS

Mr. Leone moved to approve the Sale of Parcels from Repository for Unsold Property at Index Number 18-050-011.0-136.00. This was seconded by Mrs. Loll and carried in a unanimous roll call vote.

There being no further business, the meeting then adjourned at 7:39 p.m.

Deneé M. Breter, Council Secretary
